

# **EXHIBIT 13**

**From:** [Lacy, Michael E.](#)  
**To:** [McFarland, Robert W.](#); [Connell Mullins](#); ["Spivey, W. Edgar"](#); [Winn, Kathryn Y.](#); [jchapman@cwm-law.com](#); [wrsnow@cwm-law.com](#); [ddavenport@cwm-law.com](#); [dhartnett@cwm-law.com](#); [Wingfield, Alan D.](#); [Belote, Clark J.](#); [Flowers, Elizabeth Spain](#); [Lynch, John C.](#); [Knudsen, Kathleen M.](#); [mmccarroll@redgravellp.com](#); [Hugh Fain](#); [John Erbach](#)  
**Cc:** [Stephanie Hunter](#); [Armond Joyner](#)  
**Subject:** RE: CSX Transportation, Inc., et al v. Norfolk Southern Railway Company, et al  
**Date:** Friday, January 17, 2020 9:24:02 AM  
**Attachments:** [image002.jpg](#)

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Rob—

NSR is agreeable to your proposal, with the caveat that we need assurances that CSXT will provide the same documents by the same dates, and in a mutually agreeable format for the production of data from non-custodial data sources.

Per Ben's letter of January 14, CSXT agreed to provide these documents, which are requested by NSR's RFP Nos. 39, 1 (second set), 31-32, 46-48, 55, and 64-67. We are willing to meet and confer early next week to ensure we are exchanging matching non-custodial data.

If needed, we can discuss on our 4:30 call this afternoon. Thanks.

**Michael E. Lacy**

**troutman sanders**

Direct: 804.697.1326

[michael.lacy@troutman.com](mailto:michael.lacy@troutman.com)

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**From:** McFarland, Robert W. <[rmcfarland@mcguirewoods.com](mailto:rmcfarland@mcguirewoods.com)>  
**Sent:** Friday, January 17, 2020 9:22 AM  
**To:** Connell Mullins <[cmullins@spottsfain.com](mailto:cmullins@spottsfain.com)>; 'Spivey, W. Edgar' <[wespivey@kaufcan.com](mailto:wespivey@kaufcan.com)>; Winn, Kathryn Y. <[KWinn@mcguirewoods.com](mailto:KWinn@mcguirewoods.com)>; [jchapman@cwm-law.com](mailto:jchapman@cwm-law.com); [wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com); [ddavenport@cwm-law.com](mailto:ddavenport@cwm-law.com); [dhartnett@cwm-law.com](mailto:dhartnett@cwm-law.com); [Wingfield, Alan D. <Alan.Wingfield@troutman.com>](mailto:Wingfield, Alan D. <Alan.Wingfield@troutman.com>); [Lacy, Michael E. <Michael.Lacy@troutman.com>](mailto:Lacy, Michael E. <Michael.Lacy@troutman.com>); [Belote, Clark J. <cjbelote@kaufcan.com>](mailto:Belote, Clark J. <cjbelote@kaufcan.com>); [Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>](mailto:Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>); [Lynch, John C. <john.lynch@troutman.com>](mailto:Lynch, John C. <john.lynch@troutman.com>); [Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>](mailto:Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>); [mmccarroll@redgravellp.com](mailto:mmccarroll@redgravellp.com); [Hugh Fain <hfain@spottsfain.com>](mailto:Hugh Fain <hfain@spottsfain.com>); [John Erbach <jerbach@spottsfain.com>](mailto:John Erbach <jerbach@spottsfain.com>)  
**Cc:** [Stephanie Hunter <shunter@cwm-law.com>](mailto:Stephanie Hunter <shunter@cwm-law.com>); [Armond Joyner <ajoyner@cwm-law.com>](mailto:Armond Joyner <ajoyner@cwm-law.com>)  
**Subject:** RE: CSX Transportation, Inc., et al v. Norfolk Southern Railway Company, et al

**EXTERNAL SENDER**

Thanks, appreciate it. I just need to hear from NS.

**From:** Connell Mullins <[cmullins@spottsfain.com](mailto:cmullins@spottsfain.com)>  
**Sent:** Friday, January 17, 2020 9:04 AM  
**To:** 'Spivey, W. Edgar' <[wespivey@kaufcan.com](mailto:wespivey@kaufcan.com)>; McFarland, Robert W. <[rmcfarland@mcguirewoods.com](mailto:rmcfarland@mcguirewoods.com)>; Winn, Kathryn Y. <[KWinn@mcguirewoods.com](mailto:KWinn@mcguirewoods.com)>; [jchapman@cwm-law.com](mailto:jchapman@cwm-law.com); [wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com); [ddavenport@cwm-law.com](mailto:ddavenport@cwm-law.com); [dhartnett@cwm-law.com](mailto:dhartnett@cwm-law.com); [alan.wingfield@troutmansanders.com](mailto:alan.wingfield@troutmansanders.com); [michael.lacy@troutmansanders.com](mailto:michael.lacy@troutmansanders.com); Belote, Clark J. <[cjbelote@kaufcan.com](mailto:cjbelote@kaufcan.com)>; [liz.flowers@troutmansanders.com](mailto:liz.flowers@troutmansanders.com); [john.lynch@troutmansanders.com](mailto:john.lynch@troutmansanders.com); [kathleen.knudsen@troutmansanders.com](mailto:kathleen.knudsen@troutmansanders.com); [mmccarroll@redgravellp.com](mailto:mmccarroll@redgravellp.com); Hugh Fain <[hfain@spottsfain.com](mailto:hfain@spottsfain.com)>; John Erbach <[jerbach@spottsfain.com](mailto:jerbach@spottsfain.com)>  
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**Subject:** RE: CSX Transportation, Inc., et al v. Norfolk Southern Railway Company, et al

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Rob,

I did not participate in the call yesterday, but my understanding was that John Erbach agreed to the modified request on behalf of Hall, Merilli, and Hurlbut. In any event, we do agree.

Thanks.

Connell

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**From:** Spivey, W. Edgar <[wespivey@kaufcan.com](mailto:wespivey@kaufcan.com)>  
**Sent:** Friday, January 17, 2020 8:40 AM  
**To:** McFarland, Robert W. <[rmcfarland@mcguirewoods.com](mailto:rmcfarland@mcguirewoods.com)>; Winn, Kathryn Y. <[KWinn@mcguirewoods.com](mailto:KWinn@mcguirewoods.com)>; [jchapman@cwm-law.com](mailto:jchapman@cwm-law.com); [wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com); [ddavenport@cwm-law.com](mailto:ddavenport@cwm-law.com); [dhartnett@cwm-law.com](mailto:dhartnett@cwm-law.com); [alan.wingfield@troutmansanders.com](mailto:alan.wingfield@troutmansanders.com); [michael.lacy@troutmansanders.com](mailto:michael.lacy@troutmansanders.com); Belote, Clark J. <[cjbelote@kaufcan.com](mailto:cjbelote@kaufcan.com)>; [liz.flowers@troutmansanders.com](mailto:liz.flowers@troutmansanders.com); [john.lynch@troutmansanders.com](mailto:john.lynch@troutmansanders.com); [kathleen.knudsen@troutmansanders.com](mailto:kathleen.knudsen@troutmansanders.com); [mmccarroll@redgravellp.com](mailto:mmccarroll@redgravellp.com); Hugh Fain <[hfain@spottsfain.com](mailto:hfain@spottsfain.com)>; Connell Mullins <[cmullins@spottsfain.com](mailto:cmullins@spottsfain.com)>; John Erbach <[jerbach@spottsfain.com](mailto:jerbach@spottsfain.com)>



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**Subject:** [External Sender] RE: CSX Transportation, Inc., et al v. Norfolk Southern Railway Company, et al

Rob – I thought we had already agreed on behalf of Moss. We agree.

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**To:** Winn, Kathryn Y. <[KWinn@mcguirewoods.com](mailto:KWinn@mcguirewoods.com)>; [jchapman@cwm-law.com](mailto:jchapman@cwm-law.com); [wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com); [ddavenport@cwm-law.com](mailto:ddavenport@cwm-law.com); [dhartnett@cwm-law.com](mailto:dhartnett@cwm-law.com); [alan.wingfield@troutmansanders.com](mailto:alan.wingfield@troutmansanders.com); [michael.lacy@troutmansanders.com](mailto:michael.lacy@troutmansanders.com); Spivey, W. Edgar <[wespivey@kaufcan.com](mailto:wespivey@kaufcan.com)>; Belote, Clark J. <[cjbelote@kaufcan.com](mailto:cjbelote@kaufcan.com)>; [liz.flowers@troutmansanders.com](mailto:liz.flowers@troutmansanders.com); [john.lynch@troutmansanders.com](mailto:john.lynch@troutmansanders.com); [kathleen.knudsen@troutmansanders.com](mailto:kathleen.knudsen@troutmansanders.com); [mmccarroll@redgravellp.com](mailto:mmccarroll@redgravellp.com); [hfain@spottsfain.com](mailto:hfain@spottsfain.com); [cmullins@spottsfain.com](mailto:cmullins@spottsfain.com); [jerbach@spottsfain.com](mailto:jerbach@spottsfain.com)  
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**Subject:** RE: CSX Transportation, Inc., et al v. Norfolk Southern Railway Company, et al

Counsel: Other than Ryan, on behalf of NPBL, I have not heard from the rest of the defendants on our modified request to a 15 day extension, conditioned upon NS's and NPBL's agreements to provide certain documents by 1/24 and 1/31.

Please advise me immediately if you agree or not with the modified extension request, and for NS, whether it agrees to make the requested productions by 1/24 and 1/31. We will construe any party's silence as a non-agreement to the extension, and will move the Court to extend, on an expedited basis. Thank you. Rob

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**From:** Winn, Kathryn Y. <[KWinn@mcguirewoods.com](mailto:KWinn@mcguirewoods.com)>  
**Sent:** Thursday, January 16, 2020 2:18 PM  
**To:** [jchapman@cwm-law.com](mailto:jchapman@cwm-law.com); [wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com); [ddavenport@cwm-law.com](mailto:ddavenport@cwm-law.com); [dhartnett@cwm-law.com](mailto:dhartnett@cwm-law.com); [alan.wingfield@troutmansanders.com](mailto:alan.wingfield@troutmansanders.com); [michael.lacy@troutmansanders.com](mailto:michael.lacy@troutmansanders.com); [wespivey@kaufcan.com](mailto:wespivey@kaufcan.com); [cjbelote@kaufcan.com](mailto:cjbelote@kaufcan.com); [liz.flowers@troutmansanders.com](mailto:liz.flowers@troutmansanders.com); [john.lynch@troutmansanders.com](mailto:john.lynch@troutmansanders.com); [kathleen.knudsen@troutmansanders.com](mailto:kathleen.knudsen@troutmansanders.com); [mmccarroll@redgravellp.com](mailto:mmccarroll@redgravellp.com); [hfain@spottsfain.com](mailto:hfain@spottsfain.com); [cmullins@spottsfain.com](mailto:cmullins@spottsfain.com); [jerbach@spottsfain.com](mailto:jerbach@spottsfain.com)  
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**Subject:** CSX Transportation, Inc., et al v. Norfolk Southern Railway Company, et al

Please see the attached correspondence from Rob McFarland.

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